pelled against his will to become a tenant-in-common out of possession. There seems, therefore, to be no escape from the doctrine of *Wetherbee* v. *Green*. Whether the actual result reached in the principal case is a correct one may still be doubtful. At a ratio of six to one the scales nearly balance.

DONATIO MORTIS CAUSA. — In the case of *Liebe* v. *Battman*, 54 Pac. Rep. 179, the Supreme Court of Oregon had occasion to apply to exceptional, as well as notorious facts the rule that a *donatio mortis causa* requires delivery. It appeared that one about to commit suicide indorsed a promissory note, sealed it in an envelope directed to a friend with whom he was living, and placed the envelope, together with a letter to the same friend, upon a table beside his bed. Then he shot himself. The friend came quickly from his room in an opposite part of the house, but the dying man, without further reference to the gift, soon passed into a comatose state from which he never rallied. It was held there had been no delivery in spite of the fact that the friend had picked up the envelope before the donor died, though after he became unconscious. The Court said, "There must be a parting with the dominion over the subject-matter of the gift with a present design that the title shall pass out of the donor and to the donee." The definition and the application of it seemed sound. Placing the addressed envelope on the table where it was directly at the hand of the donor could not amount to a giving up of dominion, and though possibly there was a change of possession before the death that was not enough. A transfer, a positive act of giving, a parting with dominion, — these require a corresponding intent which the unconscious man could not have had. *Leonard* v. *Administrators of Kebler*, 50 Ohio St. 444.

The facts suggest another case far more difficult, — where the document is mailed by the man about to die, but he becomes unconscious before it is actually received. There, with full intent, he has actually set in motion the machinery which was to complete the gift, has done all in his power, and has put the document beyond recall, actually outside of his own dominion. The technical requisite, possession in the donee, alone is lacking. The cases of gifts *inter vivos* where a delivery to A for B is held a good delivery to B are clearly in point, but it must be remembered that these decisions are not harmonious and that the courts might be loath to apply the relaxation of the law *inter vivos* to the *donatio*. The caution that led the Roman law to require five witnesses to perfect a gift in fear of death still lingers in our law and causes not only suspicion and strict scrutiny, but occasionally, at least, a tendency to cramp the rights of the donee.

THE USE OF ADJECTIVES IN TRADEMARKS. — An interesting phase of trademark law, so important in the present state of business competition, was presented last August to the Court of Chancery of New Jersey in *Levi* v. *Schoenthal*, 41 Atl. Rep. 105. The complainant owned a laundry styled, "Incomparable Laundry," and sought to enjoin his former employé from using the same adjective in advertising a rival business of precisely similar nature. A preliminary injunction was refused because of the complainant's laches; but the court, without committing itself, indicated clearly its line of thought on the point of